

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Robyn Krile
c/o Chris Redmann, Esq.
Redmann Law, P.C.
PO Box 7097
Bismarck, ND 58504

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

32F-2017-00038

Daniel Lim,
State & Local Coordinator

(312) 869-8082

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/bc

10/15/18

Enclosures(s)

Julianne Bowman,
District Director

(Date Mailed)

cc:

BISMARCK POLICE DEPARTMENT
c/o Randall Bakke, Esq.
Bakke Grinolds Widerhold
PO Box 4247
Bismarck, ND 58502-4247

FILING SUIT IN COURT OF COMPETENT JURISDICTION

PRIVATE SUIT RIGHTS

The issuance of this *Notice of Right to Sue* or *Dismissal and Notice of Rights* ends the EEOC process with respect to your Charge. You may file a lawsuit against the Respondent within 90 days from the date you receive this Notice. Therefore, you should keep a record of the date. Once the 90 day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90 day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short Statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the Respondent has its main office.

You may contact the EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

IF YOUR CHARGE WAS INVESTIGATED BY THE NORTH DAKOTA DEPARTMENT OF LABOR, DIVISION OF HUMAN RIGHTS; THE SOUTH DAKOTA DEPARTMENT OF HUMAN RIGHTS; OR THE CITY OF SIOUX FALLS HUMAN RIGHTS COMMISSION, REQUESTS FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO THE AGENCY THAT INVESTIGATED YOUR CHARGE.

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment of the American with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the American with Disabilities Act or the Equal Pay Act against a political subdivision of a State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of the U.S. District Courts, please see the reverse side.

ATTORNEY REPRESENTATION

If you cannot afford an attorney or have been unable to represent you, the court having jurisdiction in your case may assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well in advance of the 90 day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within the 90-day period.

DESTRUCTION OF FILE

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your Charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.


IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.

INFORMATION ON WHERE TO FILE SUIT

You have been notified of your right to sue in Federal District Court. Suit is ordinarily filed in the District having jurisdiction of the county in which the employer, against whom you filed a Charge of employment discrimination, is located. The telephone number listed for each District is that of the Clerk of the Court.

U.S. DISTRICT COURT Northern District at Aberdeen U.S. Post Office & Courthouse 102 Fourth Avenue, SE Aberdeen, SD 57401 605-225-7161		U.S. DISTRICT COURT Southern Division at Sioux Falls United States Courthouse 440 South Phillips Avenue Sioux Falls, SD 57104 605-330-6600	
Counties		Counties	
Brown	Edmunds	Aurora	Kingsbury
Campbell	Grant	Beadle	Lake
Codington	McPherson	Bon Homme	Lincoln
Corson	Marshall	Brookings	McCook
Day	Roberts	Brule	Miner
Deuel	Spink	Charles Mix	Minnehaha
	Walworth	Clay	Moody
		Davison	Sanborn
		Douglas	Turner
		Hanson	Union
		Hutchinson	Yankton
U.S. DISTRICT COURT Central Division at Pierre 405 U.S. Post Office & Courthouse 225 South Pierre Street Pierre, SD 57501 605-224-5849		U.S. DISTRICT COURT Western Division at Rapid City 302 Federal Building & U.S. Courthouse 515 Ninth Street Rapid City, SD 57701 605-342-3066	
Counties		Counties	
Buffalo	Jones	Bennet	Jackson
Dewey	Lyman	Butte	Lawrence
Faulk	Mellette	Custer	Meade
Gregory	Potter	Fall River	Pennington
Haakon	Stanley	Harding	Perkins
Hand	Sully		Shannon
Hughes	Todd		
Jerauld	Tripp		
	Ziebach	McDonough	
U.S. DISTRICT COURT Northwest & Southwest Division at Bismarck U.S. District Courthouse 220 East Rosser, Room 476 P.O. Box 1193 Bismarck, ND 58502 701-530-2300		U.S. DISTRICT COURT Northeast & Southeast Division at Fargo U.S. District Courthouse 655 First Avenue North Suite 130 Fargo, ND 58102 701-297-7000	
Counties		Counties	
Adams	McLean	Barnes	Ramsey
Billings	Mercer	Benson	Ransom
Bottineau	Morton	Cass	Richland
Bowman	Mountrail	Cavalier	Sargent
Burke	Oliver	Dickey	Steele
Burleigh	Pierce	Eddy	Stutsman
Divide	Renville	Foster	Towner
Dunn	Rollette	Grand Forks	Traill
Emmons	Sheridan	Griggs	Walsh
Golden Valley	Sioux	La Moure	
Grant	Slope	Nelson	
Hettinger	Stark	Pembina	
Kidder	Ward		
Logan	Wells		
McHenry	Williams		
McIntosh			

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency (ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> COPY NDE1707145 32F-2017-00038 </div> </div>	
North Dakota Department of Labor and Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	
Robyn Krile		[REDACTED]	
Street Address		City, State and ZIP Code	
[REDACTED]		[REDACTED]	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
BISMARCK POLICE DEPARTMENT		101 - 200	(701) 223-1212
Street Address		City, State and ZIP Code	
700 S 9th Street, Bismarck, ND 58504		[REDACTED]	
Name		No. Employees, Members	Phone No. (Include Area Code)
[REDACTED]		[REDACTED]	[REDACTED]
Street Address		City, State and ZIP Code	
[REDACTED]		[REDACTED]	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		CHICAGO DISTRICT OFFICE DATE OF DISCRIMINATION TOOK PLACE Earliest: 01-01-2013 Latest: 12-16-2016 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I started working for the above named Respondent in 2004 as a police officer. In January 2013, I was promoted to a sergeant position. I have been discriminated against by the Respondent because of my gender (female) and race (Caucasian). I have been subjected to a hostile working environment harassment and less favorable terms, conditions and/or privileges of employment.</p> <p>The harassment started in 2013 and continued until present. The following are some of the incident of harassment:</p> <ul style="list-style-type: none"> In 2013 Lt. Jason Stugelmeyer and Sgt. Nolan Canright were having secret meetings and constantly making allegations that I was failing in my responsibilities as a sergeant, that I was unable to make decisions, that I was only out to "get" the officers and unable to perform my duties. Sgt. Canright made every effort to undermine me, influence other subordinates trying to gain allegiance in support of him and remove me from my position with the support of other. 			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="text-align: center;">  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) </div>	
Date 1/18/17		RECEIVED JAN 18 2017 ND Dept. of Labor & Human Rights Bismarck, ND	

EEOC Form 5 (11/09)

COPY**CHARGE OF DISCRIMINATION**

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Charge Presented To:

Agency(ies) Charge No(s):

☒ FEPA**NDE1707145**☒ EEOC**32F-2017-00038****North Dakota Department of Labor and Human Rights**

and EEOC

State or local Agency, if any

- In February 2014, when Officer Jon Lahr made a mistake on a form, Sgt. Canright withheld information that should have been shared with me so that I could properly monitor Officer Lahr. Sgt. Canright continued to hold information from me, which I needed to run the daily tasks and would then tell the subordinates I was not communicating with him.
- On April 13, 2014, Sgt. Nolan Canright told a subordinate how Officer Lane Masters had "messed up." Despite me being Officer Masters' direct supervisor, Sgt. Canright failed to pass on the information regarding Officer Masters, but instead was informing Officer Olson about issues related to Officer Masters instead of informing me.
- I brought these issues to attention of Deputy Chief Ziegler but he failed to take any action to remedy the situation.
- In February 2016 when I coached Officer Vargas about conducting a traffic stop without having backup, he yelled at me and advanced by stepping closer to where I was sitting. I discussed the issue regarding calling for backup with Lt. Fetzer, and Sgt. Sinclair and we concluded we would ask for backup. On March 8, 2016, I met with Lt. Fetzer, Deputy Chief Ziegler and Chief Dan Donlin and was told they do not believe in the practice of having backup present for every arrest if it is available. On March 10, 2016, Deputy Chief Ziegler told me "things aren't looking good for you," and Chief Donlin could order a polygraph implying I lied regarding the incident involving Officer Vargas. They told me they were going to write me up for mishandling a subordinate, that Officer Vargas was refusing to work with me, and that one of us would be transferred. Lt. Fetzer, Deputy Chief Ziegler and Chief Donlin completely contradicted what they were having the department instructors teach and chastised me for practicing and enforcing the procedure.
- On March 23, 2016, I was issued a letter of reprimand and told I would be transferred. Deputy Chief Ziegler allowed Officer Vargas, who is Hispanic, to determine who he wanted as his supervisor. I believe more credence was given to Officer Vargas than me because of my race (Caucasian). Deputy Chief Ziegler did not want to deal with Officer Vargas' accusations that my decisions were based on race. Deputy Chief Ziegler also said in regards to the way I handled the situation that I would have no issues with the way I handled the situation with 95% of the officers.
- On March 30, 2016 I was informed I was being transferred to Lt. Trom's shift effective April 4, 2016. I had issues with Lt. Trom several years ago when he was my sergeant where he tried to give me a poor evaluation, which was overturned by his supervisor at that time.
- On Oct 24, 2016, Deputy Chief Ziegler advised me that he was investigating a complaint in which Officer Vargas alleged I was spreading false information as to why I was transferred shifts with the fact that I had said that Officer Vargas had played the "race card". October 25, 2016, I received a letter of reprimand from Chief Donlin regarding the incident involving Officer Vargas.
- In January of 2016, Leadership in Police Organizations (LPO) was being offered in Bismarck;

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

1/18/17

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

RECEIVED

JAN 18 2017

ND Dept. of Labor & Human Rights
Bismarck, ND

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and EEOC

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however, I was not advised of this training until I was informed by Deputy Chief Randy Ziegler that I would not be allowed to attend LPO training.

- I was also denied trainings in February and September 2016. In February 2016, I requested to attend Northwestern Staff and Command School. On April 20, 2016, knowing that I had requested to attend this training, a requirement was suddenly made that to be eligible one must attend LPO training.

I was treated less favorably in that I received lower scores on my performance review compared to male employees and I was not selected to attend trainings.

The Respondent does the evaluations in a "war room" format in which the supervisors get together in a group and rank the employees in how they feel they compare to others. Ultimately, everyone is ranked in a "tier"; tier 1 being the highest and tier 5 being the lowest. These tiers are then used to decide a percentage of a merit increase officers would receive. On November 7, I was placed in tier 5 and received a score of 2.9. I am aware of several male officers who had been written up in the last two years as well as transferred to other shifts who were placed in higher level tiers and received higher scores.

I believe the score of 2.9 given by Lt. Trom was intentional to disqualify me for future promotional opportunities. According to the Respondent's policy, employees who receive a score below a 3.0 within a promotional process year would not be eligible to participate in the promotional process. A score of 2.9 also prohibits me for the next two (2) years from participating in any interview process for any specialty positions that may open up and Lt. Trom was aware that I aspire to become a Lieutenant and I am interested in a specialty position in which the current Sergeant in that position could retire any day. The tier that an employee is placed in also determines the percentage of merit increase the employee would receive. Due to being placed in tier 5 on December 16, 2016, I am only receiving a 1% merit increase, which affects me monetarily for the rest of my career and retirement; and is a punishment that other male employees who were disciplined did not receive.

On September 5, 2016 I expressed interest in attending a Field Force Extraction Tactics training on September 25 through September 30, 2016 and a Field Force Operations training scheduled for October 30 through November 4, 2016. Male employees were selected to attend this training.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

1/18/17

Date

Randy Ziegler

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

RECEIVED**JAN 18 2017**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

ND Dept. of Labor & Human Rights
Bismarck, ND